

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 25, 2014
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe (*arrived 7:03 p.m.*)

Absent: Michelle Harris

Alderman Garnholz moved to approve the March 11, 2014 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

CITIZEN SATISFACTION SURVEY

Chris Tatham, President of ETC Institute, gave a presentation to the Board on the 2013 citizen satisfaction survey. He stated that Clayton residents have a very positive perception of the city. With an overall satisfaction rate of 96%, Clayton outperforms all 700 communities in ETC Institute's research group.

He noted that Clayton's overall satisfaction rating is the highest his company has seen in the 15 years they have been in business. He said that Clayton will be the model that he uses when he talks to his other cities.

Mr. Tatham also confirmed that Clayton is setting the standard for service delivery. The city is rated at or above the Kansas/Missouri region and U.S. averages in all 45 areas that were compared in the 2013 survey, and 20% or more above the national average in 22 of those areas. Clayton's customer service ranks 33 points and communications 37 point above the Kansas/Missouri and national averages which demonstrates that the city is in touch with its citizens. With the exceptional response to the question about the value received for city tax dollars, residents indicate confidence in the decisions city leaders make on the community's behalf.

He did note however, that the 2013 survey also disclosed some short-term decreases in satisfaction with things like street maintenance, sidewalk conditions and street lighting. The city is also recognized for its fine parks and excellent public safety. The survey results indicate the importance citizens place on maintaining the quality of both.

PLAN COMMISSION AND ARCHITECTURAL REVIEW BOARD 2013 ANNUAL REPORT

City Manager Owens reported that during calendar year 2013, the Plan Commission/Architectural Review Board considered 106 applications; a 6-year high.

The City's Plan Commission held multiple public hearings regarding amendments to the City's Zoning Regulations and considered several requests for Conditional Use Permits. The Commission also held discussions regarding various elements of the Land Use Code and the Missouri Revised Statutes.

The Architectural Review Board considered the design and materials associated with several development projects, both residential and commercial. The Board also approved amendments to the Outdoor Dining Standards to allow logos on umbrellas and make pedestrian barriers optional.

Pursuant to the City's Charter, Article IX. Section 2, the Board of Aldermen was presented with an annual report that outlines the City's Plan Commission activities for the year 2013.

In response to Mayor Sanger's question, City Manager Owens confirmed that there has been an increase in permit applications.

In response to Alderman Berger's question, City Manager Owens explained that there is no measurement or report on how easy or hard it is to do business in Clayton, but that staff submits performance measurements on how quickly issues are turned around and those measurements are also benchmarked against 30 other cities nationally. He has heard positive feedback from people who do business with the Planning Department and they have expressed having a good experience in the process and that we are doing a good job. He added that for those coming before the Plan Commission/ARB and the Board of Aldermen there is a high approval rate of applications that meet the city's standards.

Alderman Garnholz pointed out that on the list of issues that the Plan Commission/ARB has looked at there are a number of text amendments that resulted in businesses coming to the city with concerns or issues and obviously the city listened and acted on responsibly.

Alderman Berger commented that the more metric that could be created to drive the communication around the fact that we are responsive, efficient in turn around, and that we are effective in collaborating which is a value-proposition statement.

AN ORDINANCE TO CONSIDER APPROVING A PERMANENT EASEMENT FOR THE BRENTWOOD/CARONDELET STREETScape PROJECT

City Manager Owens reported that the Public Works Department is requesting approval of a permanent easement related to the Brentwood/Carondelet Streetscape Project. This is a federally-funded (80%) streetscape project running along the east side of Brentwood Boulevard from Carondelet Avenue to Forsyth Boulevard and along the north side of Carondelet Avenue from Brentwood Boulevard to S. Meramec Avenue.

The permanent easement requested is necessary due to the proposed construction of a retaining wall along the north side of Carondelet Avenue, adjacent to the Commerce Bank Parking Lot. Installing a retaining wall will allow for the widening of the sidewalk to create a better pedestrian environment. While the wall itself will be constructed on the right-of-way, tiebacks will be built into the back side of the wall, and extend onto private property.

The property rights were acquired from Commerce Bank in accordance with the regulations set forth by MoDOT and the FHWA due to federal funding of the Brentwood/Carondelet Streetscape Project. The property owners were sent an initial letter explaining the request and their rights as a property owner. This was followed with negotiations over the phone, via email, and in-person between November 2013 and January 2014. Commerce Bank donated the property rights to the City, based upon the benefits

that they will receive as a result of the improvements themselves. This is a testament to the willingness of Clayton's Corporate Citizens to support such projects.

Recommendation is to approve the ordinance authorizing the City Manager to execute the permanent easement as it relates to the Brentwood/Carondelet Streetscape Project.

Alderman Maddox-Dallas introduced Bill No. 6436, to approve a permanent easement related to the Brentwood/Carondelet Streetscape Project, to be read for the first time by title only.
Alderman Garnholz seconded.

In response to the Board's questions, Dale Houdeshell addressed the Board explaining the location and design of the retaining wall. He noted that permanent easement is necessary to install the seven foot wide, approximately five foot tall retaining wall and would not hinder the width of the sidewalk area nor the visibility for drivers. He confirmed that the easement is an expansion of the city's streetscape program.

City Attorney O'Keefe reads Bill No. 6435, An Ordinance Approving a Permanent Easement for the Brentwood Boulevard/Carondelet Avenue Streetscape Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6435, to approve a permanent easement related to the Brentwood/Carondelet Streetscape Project, to be read for the second time by title only.
Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6435 for the second time by title only; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6310 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH RnB PRODUCTIONS FOR MARKET MASTER SERVICES

City Manager Owens reported on December 10, 2013 staff presented the Mayor and Board of Aldermen with a plan to relocate the Clayton Farmers Market to North Central Avenue between Forsyth Boulevard and Maryland Avenue. In addition to the location change the plan called for the day to be changed from Saturday mornings to Thursday evenings. The plan estimated total costs of the event to be \$124,740 which included \$9,600 for market master services. On January 31, 2014, staff issued a request for qualifications for market master services. Staff received one response, RnB Productions. During interviews with staff RnB Productions suggested increasing the marketing budget from the original plan presentation, but did not recommend any other plan changes.

The attached proposed contract for market master services has been reviewed by staff, legal counsel, and RnB Productions. The contract provides for a market master fee of \$9,600. However, based on staffs discussions with RnB Productions the overall Clayton Farmers Market budget has been amended to a total of \$131,750. Also attached is a budget that compares the December 10, 2013 estimated to the recommended budget presented with the market master services contract. At a future date staff will be presenting a budget amendment that incorporates these expenses into the City's FY2014 Budget. As written, the contract provides terms for one year with renewal options.

The contract stipulates that RnB Productions will be responsible for marketing, signage, entertainment, and general market supervision. Recommendation is to approve the contract for Market Master Services with RnB Productions.

City Attorney O'Keefe noted a typo in the name of the company for the ordinance. The State of Missouri lists the name of the company as RnB Productions, not R&B.

Mr. Bobby Conn, RnB Productions, addressed the Board stating that they are a full service event marketing company and have been in business for 12 years. Most notable events are the 12 Bars of Clayton, various restaurant weeks, and the monster tent St. Louis Mardi Gras' largest private event. For the Clayton Farmer's Market they will be promoting quality foods from locally grown producers.

Aldermen Berger and Garnholz expressed their interests in gathering data, metrics and reports because of concerns regarding the decision to move the market to the new location.

Mr. Conn noted that they will be gathering feedback from the vendors, restaurants, and patrons and can provide that information to the staff to report back to the Board.

Mayor Sanger commented that the goal for moving the market on Central is to attract foot traffic and vendors to the city's bars and restaurants.

City Manager Owens noted that the Board will need to also approve modifications to the contract; (1) add \$3,000; (2) Liability coverage \$2.3 million instead of \$2.6 million; and (3) removal of the \$2.6 million auto insurance coverage.

City Attorney O'Keefe recommended a motion to amend the ordinance.

Alderman Maddox-Dallas moved to amend the contract to include the modifications. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6436, to approve a contract for the Clayton Farmer's Market, market master services as amended, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6436, An Ordinance Approving a Contract With R&B Productions for Clayton Farmers Market Master Services and Related Activities as amended for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6436, to approve a contract for the Clayton Farmer's Market, market master services as amended, to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6436 as amended for the second time by title only; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6311 of the City of Clayton

AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE UNIFORMED EMPLOYEE'S PENSION PLAN BY TRANSFERRING THE SELECTION OF INVESTMENT MANAGERS TO THE TRUSTEES, AND TO ADD THE RESPONSIBILITY OF APPROVING THE INVESTMENT POLICY TO THE BOARD OF ALDERMEN

Janet Watson reported that the ordinance includes two changes to the City Code regarding the Uniformed Employee's Pension Plan. First, it transfers the authority for hiring plan investment

managers from the Board of Aldermen to the pension Board of Trustees, and secondly, adds the responsibility for approving the plan's Investment Policy under the Board of Aldermen's authority.

The municipal code regarding the Uniformed Employee's Pension Plan currently requires the Board of Aldermen to approve the selection of the plan's investment managers. The Board of Trustees for the plan have been working for several years with the plan's investment advisor to review investment managers and evaluate investment performance, and have also received annual education regarding their capacity as trustees. At the last Board of Trustees meeting, the Board stated that they are confident in their ability to choose and monitor investment managers. The attached ordinance transfers the authority for approving investment managers to the Board of Trustees.

The plan also maintains an Investment Policy but presently no person or group is assigned the responsibility for updating and approving the policy. The current practice is that the Board of Trustees had been updating the investment policy when warranted. Since the Board of Aldermen is responsible for the funding of the plan, it is appropriate to coordinate the Investment Policy guidelines with the plan funding. Therefore the ordinance adds the responsibility of approving the Investment Policy to the Board of Aldermen as it then would be provided as a guide to the Board of Trustees when choosing and monitoring investment managers.

In response to Alderman Garnholz's question, Janet Watson recalled that the changes were suggested due to a Pension Board training that brought forward that the investment managers were being approved by the trustees of the Pension Board although the Plan stated that this should be done by the Board of Aldermen.

Alderman Maddox-Dallas introduced Bill No. 6437, to approve an amendment to the Uniformed Employee's Pension Plan, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6437, An Ordinance Amending The City of Clayton Uniformed Employees' Pension Plan and Trust and Chapter 19 of the Code of Ordinances of the City of Clayton, Missouri, Relating To Duties of the Board Of Aldermen and Board of Trustees for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6437, to approve an amendment to the Uniformed Employee's Pension Plan, to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6437 for the second time by title only; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6312 of the City of Clayton

A RESOLUTION TO CONSIDER A REVISION TO THE INVESTMENT POLICY STATEMENT FOR THE UNIFORMED EMPLOYEES' PENSION PLAN

Haley Rives, Asset Consulting Group, addressed the Board stating the resolution the Board of Aldermen will be responsible for the approval of the Investment Policy Guidelines which sets forth the goals and objectives for the Uniformed Employees Retirement Fund and states the return objective, the risk tolerance, the overall asset allocation for the Plan, and the roles and responsibilities of everyone involved with the Plan. The document is designed to serve as a tool for the trustees. She stressed that the policy is designed to not change often and is more of a strategic policy, but a dynamic policy. All recommended changes would be handled by the trustees and then brought before the Board of Aldermen for approval of those recommendations.

Alderman Maddox-Dallas moved to approve Resolution No. 14-05, a revision to the Uniformed Employees' Pension Investment Policy. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPROVE A LIQUOR LICENSE SPECIAL PERMIT FOR WINE, MALT BEVERAGE AND DISTILLED SPIRIT TASTINGS FOR CRAFT BEER CELLAR AT 8113 MARYLAND AVENUE

City Manager Owens reported that Craft Beer Cellar is requesting a liquor license special permit for wine, malt beverage and distilled spirit tastings at 8113 Maryland Avenue as an addition to their current license to sell all kinds of intoxicating liquor at retail by the package, including Sundays (NOTE: this permit is in addition to their current license to sell all kinds of intoxicating liquor at retail by the package, including Sundays).

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Recommendation is to approve the liquor license special permit for wine, malt beverage and distilled spirit tastings as an addition to Craft Beer Cellar's current license to sell all kinds of intoxicating liquor at retail by the package, including Sundays.

In response to the Board's question, Mr. Brandon Nicholson, owner stated that they are planning an April 19th opening.

Alderman Maddox-Dallas moved to approve the motion to grant a liquor license special permit to allow tastings. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPROVE THE DISPOSAL OF RECORDS

City Manager Owens reported that As the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Aldermen level.

Attached as Exhibit 1 is a list of records staff is proposing to dispose.

Based on the Board's past discussions, staff has reviewed the records and confirmed that these are materials that meet the retention schedules set forth by the Secretary of State and that these records are no longer needed by staff. We have also verified that this list does not contain any records we would consider to be of an "historical" nature. Recommendation is to approve a motion to dispose of the records listed in the exhibit.

Alderman Maddox-Dallas moved to approve the disposal of records as listed on Exhibit 1. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Garnholz commended the city manager and staff on the great survey ratings.

City Manager Owens recognized Kevin Murphy as selected as the new Chief of Police for the city.

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.

Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 8:25 p.m.

Mayor

ATTEST:

City Clerk